

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAISY FLORES,

Defendant.

8:22–CR–25

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

This matter is before the Court on the *pro se* Motion to Reduce Sentence filed by Daisy Flores, [Filing 163](#), and the Motion to Withdraw filed by Federal Public Defender, Mr. David R. Stickman. [Filing 165](#). After the Defendant filed her Motion to Reduce Sentence, the Office of the Federal Public Defender was appointed to represent her pursuant to General Order No. 2023-09. [Filing 164](#). The purpose of this appointment was to determine whether the Defendant qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]” [Filing 164 at 1](#). Mr. Stickman has moved to withdraw as counsel because “the Defendant has two criminal history points and was not assessed any ‘status criminal history points’ in the presentence Investigation Report and therefore no sentence reduction on this basis is allowed.” [Filing 165 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that the Defendant is not eligible for a reduction. [Filing 166](#).

The Court has conducted its own review of the Defendant’s *pro se* Motion along with other relevant matters in the record. The Court concludes that the Defendant is not entitled to the sentencing relief she seeks for two reasons. First, as Mr. Stickman observes, Flores was assessed two criminal history points and was not assessed any “status points” in her Presentence Investigation Report. [Filing 151](#). Second, Flores was sentenced on January 3, 2024—after

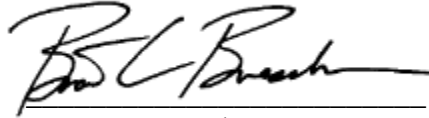
Amendment 821 had already taken effect. [Filing 154 at 1](#). Accordingly, Flores's *pro se* Motion is without merit and will be denied and Mr. Stickman's Motion to Withdraw will be granted.

IT IS ORDERED:

1. Federal Public Defender David R. Stickman's Motion to Withdraw, [Filing 165](#), is granted; and
2. Daisy Flores's *pro se* Motion to Reduce Sentence, [Filing 163](#), is denied.

Dated this 2nd day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge